

State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
July 8, 2014 at 8:30 A.M.
Agenda
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**State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of July 8, 2014**

Board Members Present

Maroulla S. Gleaton, M.D., Board Chairman
David D. Jones, M.D., Board Secretary
David R. Andrews, M.D.
Cheryl Clukey
David H. Dumont, M.D.
Dana D. Dyer
David Nyberg, Ph.D.
Christopher Ross, P.A.-C
Peter J. Sacchetti, M.D.
M. Louisa Barnhart, M.D.

Board Staff Present

Randal C. Manning, Executive Director
Timothy E. Terranova, Assistant Executive Director
Mark S. Cooper, M.D., Medical Director
Maureen S. Lathrop, Administrative Assistant
Elena I. Crowley, Investigative Secretary

Attorney General's Office Staff Present

Dennis Smith, Assistant Attorney General
Detective James Gioia, Attorney General's Office

Ms. Clukey was excused at 10:10 a.m.
Dr. Dumont was excused at 1:00 p.m.

The Board meets in public session with the exception of the times listed below, which are held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (1 M.R.S. §405, 10 M.R.S. §8003-B, and 22 M.R.S. §1711-C). The Board moved, seconded, and voted the following executive session times. During the public sessions of the meeting, actions are taken on all matters discussed during executive session.

EXECUTIVE SESSIONS	PURPOSE
8:37 a.m. – 10:34 a.m.	Complaints
11:32 a.m. – 11:38 a.m.	Complaints

I. Call to Order

Dr. Gleaton called the meeting to order at 8:35 a.m.

A. Amendments to Agenda

1. William L. Salomon, M.D. under Consent Agreement Monitoring and Approval
2. Linda C. Keniston, M.D. under Consent Agreement Monitoring and Approval

B. Scheduled Agenda Items

1. Department of Corrections 10:30 a.m.
2. Adjudicatory Hearing 1:00 p.m. CR 13-173 Alexandria E. Nesbit, P.A.-C

II. Complaints

1. CR14-26/14-48 Floyd D. Hockersmith, M.D.

Dr. Jones moved to approve the letter of guidance as amended. Dr. Andrews seconded the motion, which passed unanimously.

2. CR12-172 Robert B. Rovner, M.D.

Dr. Dumont moved to order an Adjudicatory Hearing. Dr. Jones seconded the motion, which passed 8-0-0-1 with Dr. Andrews recused.

3. CR14-27

Dr. Dumont moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: This complaint is based on significant concerns reported by a hospital regarding fund of knowledge, clinical capacity, and patient safety in the performance of a physician hired by the hospital to provide temporary assistance in one of its practices . Review of charts provided showed adequate care. A letter of support for the physician in question was provided by another physician working in the practice at the same time stating the physician in question was competent but had system questions that were poorly addressed by the practice. The locums staffing company may have misrepresented the physician to the practice leading to false expectations about the physician's qualities.

4. CR12-202

Dr. Andrews moved to dismiss the complaint. Dr. Dumont seconded the motion, which passed unanimously.

MOTION: This complaint involves an interventional pain physician released from employment, which prompted mandatory Board notification. After review, the Board initiated a complaint due to alleged clinical and behavioral issues. There were substantial disagreements between the employer and the doctor regarding the conduct of his practice that did not relate to patient care. Medical records revealed skilled and diligent care with detailed documentation. Questions regarding some aspects of controlled substance prescribing and patient monitoring were previously addressed at an Informal Conference with the Board. Follow-up review of patient records from his new practice was reassuring.

5. CR14-44 Keng Cheong Leong, M.D.

Dr. Sacchetti moved to order an Adjudicatory Hearing. Dr. Dumont seconded the motion, which passed unanimously.

6. CR12-34 Phillip E. Jacob, M.D.

Dr. Barnhart moved to dismiss the complaint with a letter of guidance. Dr. Dumont seconded the motion, which passed unanimously.

MOTION: The patient complains that the physician's communications with her were inappropriate and unprofessional. The physician has taken steps to address these concerns.

The letter of guidance will encourage the physician to: 1) recognize that patients should be treated with compassion and respect; and 2) avoid sharing personal information and expressing frustration about his employment with patients.

7. CR13-112

Dr. Jones moved to investigate further. Mr. Dyer seconded the motion, which passed unanimously.

8. CR14-14

Dr. Andrews moved to investigate further. Dr. Jones seconded the motion, which passed unanimously.

9. CR14-17

Mr. Ross moved to dismiss the complaint. Dr. Barnhart seconded the motion, which passed unanimously.

MOTION: The patient alleges the orthopedic provider to whom she was referred was unprofessional in several ways, including generating a false record of her appointment, refusing to deem her a suitable candidate for surgery, yelling at her, and conducting an improper physical examination. She followed this one appointment with multiple extended calls to the office to demand surgery. The provider documented evidence of another major disorder contributing to her behavior which appears to interfere with her ability to navigate the process of evaluation, trials of conservative measures, and which would also interfere with recovery from surgery, if surgery were indicated. The patient was appropriately referred back to the PCP for management of both the knee pain and the major disorder.

10. CR14-42

Dr. Jones moved to dismiss the complaint. Dr. Andrews seconded the motion, which passed unanimously.

MOTION: A chronically ill patient presented to the hospital with an ongoing MRSA pneumonia, acute respiratory failure, and a life threatening GI bleed complicated by anticoagulation with Coumadin. She received PRBC's and FFP the next morning by order of the physician assistant assigned to her care and developed sudden worsening of

her respiratory failure that was life threatening. The complaint filed by the patient's daughters states that the physician assistant transfused their mother too rapidly, thereby causing her to develop acute pulmonary edema, that was responsible for the cascade of events culminating in the death of their mother just over three weeks later. Review of the record, including all consult notes, the normal right heart catheterization, and the patient's imaging and lab results does not support the complaint. Multiple attending physicians and consultants participated in this patient's care and repeatedly documented that they felt her complex downward clinical course was related to her underlying pneumonia, continued GI bleeding and probable recurrent transfusion reactions as well as her comorbidities, and not pulmonary edema.

11. CR14-68

Mr. Dyer moved to dismiss the complaint. Dr. Andrews seconded the motion, which passed unanimously.

MOTION: The complaint filed by a member of the patient's family alleges that the physician did not complete a death certificate in a timely manner. The physician responded that he was not part of the patient's treatment team during her hospitalization, but was called to assist with a resuscitation attempt when the patient arrested. The physician further stated that he was not aware of the state's requirement that a death certificate be signed within forty-eight hours but that he has now familiarized himself with that requirement. The physician accepted responsibility and apologized to the patient's family.

12. CR13-199

Mr. Ross moved to table this issue until the next Board meeting. Dr. Jones seconded the motion, which passed unanimously.

13. CR14-40

Dr. Dumont moved to order an Informal Conference. Dr. Sacchetti seconded the motion, which passed 5-4-0-0.

14. CR14-36

Dr. Sacchetti moved to dismiss the complaint. Mr. Dyer seconded the motion, which passed unanimously.

MOTION: The complainant asserts that her children's pediatrician was negligent in addressing her daughter's urinary problem and became verbally abusive toward her and her son during an office visit. The physician acknowledged that an irresolvable dispute occurred between he and the complainant regarding the daughter's diagnostic work up. The physician indicated that they mutually agreed that the children would transfer to another physician. The children's father, who waited in the lobby during the appointment, became threatening as the family left the office.

15. CR14-46

Dr. Jones moved to dismiss the complaint. Dr. Andrews seconded the motion, which passed unanimously.

MOTION: The patient complains the physician was incompetent in his care. He complains he developed an infection following surgery and required a second surgical procedure. The physician explained his care and the medical record indicates the patient had significant responsibility for the complications he developed post-operatively.

16. CR14-51

Mr. Dyer moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The patient complains that she was seen by a physician assistant at the practice rather than the physician. She further complains that no one at the practice seemed to care about her health. The physician responded that he did not have direct contact with the patient, but did review her medical records and supported the treatment plan. The patient did not provide authorization for the Board to obtain a copy of her medical records to review the care provided.

17. CR14-54

Dr. Jones moved to dismiss the complaint. Dr. Dumont seconded the motion, which passed 8-0-0-1 with Dr. Barnhart recused.

MOTION: The patient complains that his long-time physician refused to provide his medical records to his new provider. The physician fulfilled his legal obligation/requirement to provide the appropriate medical information to the new provider.

18. CR14-62

Dr. Barnhart moved to investigate further. Dr. Nyberg seconded the motion, which passed unanimously.

19. CR14-66

Dr. Dumont moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The patient's father complains that a medical student acted inappropriately while examining his 16 year old daughter. The complaint is filed against the office practice physician who routinely accepts medical students for short rotations for pediatric training. After the physician introduced the medical student to the family and the patient, and with no objections, he left the medical student to examine and evaluate the patient.

The physician was not present during the examination, but did his own follow-up examination of the patient, which is routine. He saw no signs of discomfort/anxiety when he examined the patient. The father called the physician six weeks later with his complaint. The physician referred the complaint to the Dean of Students at the medical school. She investigated the complaint and spoke with both the father of the patient and the medical student.

20. CR14-82

Dr. Sacchetti moved to investigate further. Mr. Dyer seconded the motion, which passed unanimously.

21. CR13-59

Dr. Nyberg moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The patient complains the physician issued a medical marijuana certificate for only four months, contrary to DHHS rules for certificate issuance for one year. In fact, the rules in effect at the time would have allowed for a four-month certificate.

22. CR13-60

Dr. Nyberg moved to dismiss the complaint. Dr. Jones seconded the motion, which passed unanimously.

MOTION: The patient complains the physician issued a medical marijuana certificate for only four months, contrary to DHHS rules for certificate issuance for one year. In fact, the rules in effect at the time would have allowed for a four-month certificate.

23. CR13-67 William Ortiz, M.D.

Dr. Nyberg moved to order an Adjudicatory Hearing. Dr. Jones seconded the motion, which passed unanimously.

24. Intentionally left blank

III. Assessment & Direction

25. AD14-29

Dr. Dumont moved to file the issue. Dr. Andrews seconded the motion, which passed unanimously.

26. AD14-38

Dr. Jones moved to issue a complaint (CR14-125). Dr. Dumont seconded the motion, which passed unanimously.

27. AD14-93

Dr. Jones moved to file the issue. Dr. Andrews seconded the motion, which passed unanimously.

28. AD14-107

Dr. Andrews moved to file the issue. Dr. Nyberg seconded the motion, which passed unanimously.

29. Intentionally left blank

30. Intentionally left blank

31. Pending Adjudicatory Hearing and Informal Conference Report

The Board reviewed the report.

32. Consumer Assistant Feedback (none)

33. Physician Feedback (none)

IV. Informal Conference (none)

V. Minutes of June 10, 2014

Dr. Dumont moved to approve the minutes of the June 2014 meeting. Dr. Jones seconded the motion, which passed unanimously.

VI. Board Orders & Consent Agreement Monitoring and Approval

A. Board Orders (none)

B. Consent Agreement Monitoring and Approval

1. Thomas O. Orvald, M.D.

After review of a proposed Consent Agreement, the Board directed legal counsel to send the licensee a revised Consent Agreement.

2. Robert O. Modarelli, M.D.

Dr. Dumont moved to accept the signed Consent Agreement [Appendix A]. Dr. Jones seconded the motion, which passed unanimously.

3. Kristen Colley, P.A.-C

Dr. Dumont moved to accept the signed Consent Agreement [Appendix B]. Dr. Jones seconded the motion, which passed unanimously.

4. Andrew S. Nicholson, M.D.

Dr. Jones moved to deny the licensee's request to meet with the Board to discuss removal of the restrictions imposed on his Maine medical license. Mr. Dyer seconded the motion, which passed unanimously.

MOTION: In light of the evidence, the Board found no circumstances under which it would lift the restrictions imposed on the licensee's medical license.

5. William L. Salomon, M.D.

Dr. Barnhart moved to accept the signed Consent Agreement [Appendix C]. Dr. Dumont seconded the motion, which passed unanimously.

6. Linda C. Keniston, M.D.

Informational update.

VII. Adjudicatory Hearing – CR13-173 Alexandria E. Nesbit, P.A.-C

The Board scheduled this hearing to hear evidence regarding the automatic suspension of Ms. Nesbit's physician assistant license based on allegations that she 1) engaged in the misuse of alcohol that may foreseeably result in her performing services in a manner that endangers patients; 2) engaged in unprofessional conduct; and 3) failed to comply with a condition of probation imposed by the Decision and Order of the Board dated November 25, 2013.

Ms. Nesbit appeared for the hearing unrepresented by legal counsel. Dennis E. Smith, AAG presented the State's case. Rebekah J. Smith, Esq. served as Presiding Officer.

Mr. Smith and Ms. Nesbit presented their cases and the Board heard witness testimony. After deliberation by the Board, the following motions were made:

Dr. Nyberg moved that the preponderance of evidence did not show that the licensee engaged in the misuse of alcohol. Mr. Ross seconded the motion, which passed unanimously.

Mr. Dyer moved that the preponderance of evidence did show that the licensee engaged in unprofessional conduct. Dr. Jones seconded the motion, which passed 7-1-0-0.

Dr. Nyberg moved that the preponderance of evidence did show that the licensee failed to comply with a condition of probation imposed by the Decision and Order of the Board dated November 25, 2013. Dr. Jones seconded the motion, which passed unanimously.

Dr. Nyberg moved: (1) to issue a reprimand; and (2) to deny the renewal application of the licensee giving her leave to reapply no sooner than six (6) months. Mr. Dyer seconded the motion, which passed unanimously.

A Board Order will be issued by Presiding Officer Rebekah J. Smith, Esq., and be presented to the Board at a future meeting.

VIII. Remarks of Chairman

The Chairman led a discussion in regard to holding a Board meeting on Monday, September 8th, for the purpose of scheduling Informal Conferences. The meeting would be in addition to the meeting scheduled for Tuesday, September 9th. A poll of the Board members determined that the majority are available to attend a meeting on Monday afternoon with the time of the meeting to be determined at a later date.

IX. Executive Director's Monthly Report

The Executive Director reported that Louisa Barnhart, M.D. will attend a conference in Washington, D.C. later this month regarding opioid addiction and treatment. Christopher Ross, P.A.-C has been invited to attend a conference in Philadelphia in September 2014 held by the USMLE to encourage state medical board participation in examination preparation. The Board reviewed and accepted the report of the Executive Director.

A. Complaint Status Report

As of July 1, 2014, there are eighty-nine (89) complaints outstanding. Ninety-three (93) have been received year-to-date and eighty (80) have been closed so far this year.

B. MMPHP Protocol Questions

Staff presented information regarding MMPHP protocols. The Board reviewed the information and took no action.

X. Medical Director's Report

The Medical Director provided information regarding requirements for competency testing as part of licensure by various states. The Board reviewed the information and concluded that no change in current process is necessary.

XI. Remarks of Assistant Attorney General (none)

XII. Secretary's Report

A. Licenses for Ratification

1. M.D. Licenses for Ratification

Dr. Dumont moved to ratify the Board Secretary's approval of the following physician license applications. Dr. Sacchetti seconded the motion, which passed unanimously.

The following license applications have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Allen, Shannon H.	Otolaryngology	Augusta
Aryal, Sudeep R.	Internal Medicine	Bangor
Bani Hani, Murad G.	Surgery	Caribou
Chang, Sidney T.	Ophthalmology	Bangor
Cromer, Doris D.	Family Practice	Wells
Demaerschalk, Bart M.	Psychiatry & Neurology	Telemedicine
Dhital, Subarna M.	Internal Medicine	Bangor
Force, Farid	Psychiatry & Neurology	Not Listed
Frankel, Amylynne J.	Dermatology	Biddeford
Franklin Jr., John E.	Internal Medicine	Calais
Griffin, Judith L.	Internal Medicine	Waterville
Hallagan, Lee D.	Surgery	Portland
Harris, Emily S.	Psychiatry	Bangor
Hotchkiss III, John H.	Anesthesiology	Not Listed
Hyman, Paul L.	Internal Medicine	Brunswick
Jacob, Abraham	Family Medicine	Lewiston
McReynolds, Joel M.	Internal Medicine	Caribou
Mohan, Shauline N.	Otolaryngology	Lewiston
Nash, William P.	Psychiatry	Telemedicine
Newton, Paul M.	Family Medicine	Presque Isle
Owusu, Priscilla N.A.	Internal Medicine	Bangor
Perrizo, Karla M.	A&C Pathology	Not Listed
Pramanik, Vedatrayee ...	Internal Medicine	Penobscot
Rahn, Gregory J.	Anesthesiology	Belfast
Richardson, Homer A.	Emergency Medicine	Lewiston
Sanborn, Matthew R.	Neurosurgery	Portland
Santos, Carah B.	Pediatrics	Portland
Sardana, Vrinda	Internal Medicine	Bangor
Sauer, Nadine P.	Pediatrics	Bangor
Silkman, Lee J.	Family Medicine	Hampden
Singh, Keith A.	Family Medicine	Bangor
Smythe, Kara L.	Ob/Gyn	Bangor
Subrahmanyam, Lakshman	Internal Medicine	Augusta
Weber, David M.	Emergency Medicine	Caribou

2. P.A. Licenses for Ratification

Dr. Dumont moved to ratify the Board Secretary's approval of the following physician assistant license applications. Dr. Sacchetti seconded the motion, which passed unanimously.

The following physician assistant license applications have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>LICENSE</u>	<u>PSP</u>	<u>LOCATION</u>
Cutter, Andrew	Inactive	None	None
Greenwald, Julia	Inactive	None	None
Hassett, Elizabeth	Active	Gold, Minda	Damariscotta
Kenney, Julianna	Active	Cushing, Brad	Portland
Lessard, Nicole	Active	Cushing, Brad	Portland
Maurer, Kate	Active	Reddy, Challa	Dexter
Miller, Gillian	Active	Aronowitz, Jessica	Bangor
Pavnick, Wendy	Active	West, C. Forrest	Albion
Perry, Nicole	Inactive	None	None

B. Applications for Individual Consideration (none)

C. Applications for Reinstatement (none)

D. Withdrawals

1. Withdraw License Application (none)

2. Withdraw License from Registration

Dr. Dumont moved to approve the licensees' requests to withdraw from registration. Dr. Andrews seconded the motion, which passed unanimously.

The following licensees have applied to withdraw their licenses from registration.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Areson, Peter	MD11523
Hammond, Tracie	PA1273
Haque, Rizwan	MD10790
Heimbinder, David	MD16989
Hillman, Robert	MD10911
Keusch, Cristina	MD18764
Kim, Boo Ho	MD7554
Pickersgill, Anne S.	MD12766

3. Withdraw License from Registration - Individual Consideration (none)

E. Licenses to Lapse by Operation of Law

The following licenses lapsed by operation of law effective June 9, 2014.

<u>NAME</u>	<u>LICENSE NUMBER</u>
Atherton, Michael	MD16029
Castellanos, Jose	MD5207
Chen, Jia Rhon	MD6822
Chua, Dione	MD18554
Crofoot, Carmen	MD17380
Cuddihy, Laury A.	MD18421
De Loof, Patricia	MD18812
Delaney, Erin W.	MD18794
El Rimawi, Nidal	MD18773
Hall, Tori Orosz	PA1111
Hennemeyer, Charles T.	MD18480
Karakunnel, Joyson J.	MD19212
Little, Yana S.	MD18775
Littman, Robert M.	MD14911
Murdaugh, Hershel V. Jr.	MD6667
Oppenheimer, Stephen	MD17520
Pepe, Albert	MD7511
Pirozzi, Donald J.	MD18911
Randhawa, Sandeep	MD17130
Shahid Raheel	MD15664
Shaker, Clayton	MD18680
Sohi, Sukhpreit	MD18412
Tovanen, Kathleen M.	MD12038
Wilson, Jason	MD19126

F. Licensees Requesting to Convert to Active Status (none)**G. Renewal Applications for Review (none)****H. Physician Assistant Schedule II Authority Requests for Ratification****1. Applications to Renew Schedule II Authority**

Dr. Andrews moved to ratify the Board Secretary's approval of the following renewal requests for Schedule II prescribing authority. Mr. Ross seconded the motion, which passed unanimously.

The following renewal requests for Schedule II prescribing authority have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Duchin, David	Verosloff, Robert	Bangor
Gagnon, Allison	Christensen, Marc	Lewiston
Kumagae, Emily	Agren, Mats	Falmouth

Lawhead, Brian	White, Raymond	Portland
Whitty, Sarah	Rampe, Glenn	Orono

2. Applications for New Schedule II Authority

Dr. Andrews moved to ratify the Board Secretary's approval of the following requests for Schedule II prescribing authority. Mr. Ross seconded the motion, which passed unanimously.

The following new requests for Schedule II prescribing authority have been approved by Board Secretary David D. Jones, M.D. without reservation.

<u>NAME</u>	<u>PSP</u>	<u>LOCATION</u>
Barnes, Margaret	Dionne, Andrew	Augusta
Bastin, John	Dionne, Andrew	Augusta
Becker, Melissa	Pruchnic, Timothy	Hampden
Brochu, Amelia	Dionne, Andrew	Augusta
Boudewijn, Rob	Dionne, Andrew	Augusta
Caldwell, Amy	Dionne, Andrew	Augusta
Elvin, Peter	Dionne, Andrew	Augusta
Gathman, Patricia	Dionne, Andrew	Augusta
Hooegeveen, Julie	Dionne, Andrew	Augusta
Kenney, Julianna	Cushing, Brad	Portland
LaBrecque, Vince	Dionne, Andrew	Augusta
Lessard, Nicole	Cushing, Brad	Portland
Luck, Michael	Dionne, Andrew	Augusta
Michaud, Melissa	Dionne, Andrew	Augusta
Miller, Gillian	Aronowitz, Jessica	Bangor
Motley, Susan	Dionne, Andrew	Augusta
Neumeister, Steven	Dionne, Andrew	Augusta
Phelps, Caitlin	Morse, James	Portland
Piotti, Susan	Dionne, Andrew	Augusta
Plumer, Paul	Dionne, Andrew	Augusta
Wiemer, Richard	Dionne, Andrew	Augusta

XIII. Standing Committee Reports

A. Public Information Committee

The Public Information Committee held a brief meeting during the noon recess to discuss the status of the next issue of the Board's newsletter as well as ideas for future issues.

XIV. Board Correspondence (none)

XV. Other Business

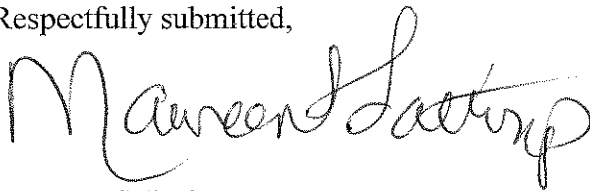
A. Department of Corrections

The Board met with representatives from the Department of Corrections and Correct Care Solutions. Discussion focused on Correct Care Solutions' approach to prescribing controlled medications in a prison setting and the transition to electronic medical records.

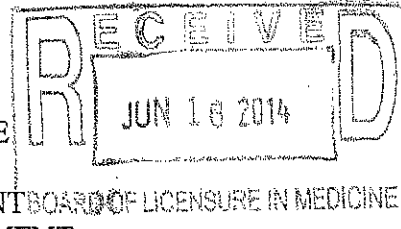
XVI. Adjournment 3:45 p.m.

Dr. Andrews moved to adjourn the meeting. Dr. Jones seconded the motion, which passed unanimously.

Respectfully submitted,

A handwritten signature in cursive script that reads "Maureen S. Lathrop". The signature is written in dark ink and is positioned above the printed name and title.

Maureen S. Lathrop
Administrative Assistant

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)
 Robert O. Modarelli, M.D.)
 Complaint No. CR14-86)

CONSENT BOARD OF LICENSURE IN MEDICINE
 AGREEMENT

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the license to practice as a physician in the State of Maine held by Robert O. Modarelli, M.D. The parties to the Consent Agreement are: Robert O. Modarelli, M.D. ("Dr. Modarelli"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. The Board first issued Dr. Modarelli a license to practice as a physician in the State of Maine on April 27, 2012. Dr. Modarelli specializes in Urology.
2. On May 13, 2014, the Board reviewed information received from the State of Washington, Department of Health, Medical Quality Assurance Commission ("Commission") regarding an action taken against Dr. Modarelli's medical license in that state. According to a "Stipulation to Informal Disposition" dated April 3, 2014, Dr. Modarelli stipulated to the following conduct:
 - a. On August 12, 2011, Dr. Modarelli performed surgery on Patient A, a 44 year old male, to remove Patient A's *right* testicle due to pathology causing chronic, extreme testicular pain. Patient A signed a consent form, consenting to removal of his right testicle (a right orchiectomy).
 - b. Though the surgical team did take a "timeout" before surgery, and Dr.

Modarelli marked the right groin himself, Dr. Modarelli mistakenly removed Patient A's *left* testicle. Dr. Modarelli immediately recognized his error. While Patient A remained under general anesthesia, Dr. Modarelli left the operating room and spoke with Patient A's mother. Dr. Modarelli acknowledged his mistake to Patient A's mother, who had been significantly involved in Patient A's care, and discussed the option of proceeding to remove Patient A's extremely painful right testicle as originally planned. Dr. Modarelli explained that removal of the right testicle, with the left testicle already removed, would eliminate the possibility of Patient A fathering a child, should Patient A change his previously expressed position on this issue. Patient A's mother agreed to have Dr. Modarelli remove the right testicle and Dr. Modarelli proceeded with the right orchiectomy.

c. After removing the wrong testicle, Dr. Modarelli did not give Patient A the opportunity to participate in the life-altering decision to remove his only remaining testicle. There was no determination that Patient A was unable to make his own medical decisions (he had provided consent for the intended procedure). While Patient A's mother had been significantly involved in his care, Patient A had not given his mother power of attorney to make medical decisions on his behalf.

d. Dr. Modarelli's removal of both of Patient A's testicles caused Patient A to be permanently sterile and needing testosterone replacement therapy for the remainder of his life, and potentially subjected him to other consequences resulting from having both testicles removed.

Dr. Modarelli stipulated that the foregoing conduct, if proven, would constitute a violation of RCW 18.130.180(4).¹

3. Following its review of this information on May 13, 2014, the Board voted to initiate a complaint against Dr. Modarelli's Maine medical license pursuant to 32 M.R.S. § 3282-A. The Board docketed the complaint at CR14-86. In addition, the Board voted to offer Dr. Modarelli this Consent Agreement to resolve complaint CR14-86 without further proceedings.

4. Absent Dr. Modarelli's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before June 22, 2014, the complaint will be processed further.

COVENANTS

In lieu of further proceedings regarding complaint CR14-86, Dr. Modarelli and the Board agree to the following:

5. Dr. Modarelli neither admits nor denies the conduct identified in paragraphs 1-3 above. However, Dr. Modarelli concedes that should the matter proceed to an adjudicatory hearing, the Board would have sufficient evidence to conclude that the conduct violated 32 M.R.S. § 3282-A(2)(F)² and grounds for discipline of his Maine medical license.

¹ The specific language of this section of Washington state regulations provides as follows: Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed.

² The specific language of the statute provides as follows: Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior, including engaging in disruptive behavior, that has been established in the practice for which the licensee is licensed. For purposes of this paragraph, "disruptive behavior" means aberrant behavior that interferes with or is likely to interfere with the delivery of care.

6. As discipline for the concession in paragraph 5 above, Dr. Modarelli agrees to accept, and the Board agrees to issue, the following discipline:

a. **Practice Limitation.** Dr. Modarelli agrees to limit his Maine medical and surgical practice solely to an office-based urology practice. Dr. Modarelli shall not practice medicine or surgery in a Maine hospital or clinic setting. In addition, Dr. Modarelli will limit his in-office surgeries only to those procedures that require local anesthesia. In complying with this restriction, Dr. Modarelli shall not perform any medical or surgical procedures on any Maine patient who is administered general anesthesia.

b. **Protocol.** Within sixty (60) days of the effective date of this Stipulation, Dr. Modarelli shall submit to the Board a written protocol designed to prevent wrong-site surgery, including the wrong testicle removal involved in this case. In order to satisfy this provision, the protocol must (a) incorporate and be consistent with the Joint Commission's Universal Protocol for Preventing Wrong Site Surgery (endorsed by the American Urological Association), and (b) be approved by the Board or its designee. Dr. Modarelli will immediately implement this protocol into his practice, including his practice at any locum tenens positions.

c. **Paper.** Within sixty (60) days of the effective date of this Stipulation, Dr. Modarelli shall submit to the Board a paper in which he provides a complete and accurate analysis of the factors leading to the wrong testicle removal, and describing the changes Dr. Modarelli has implemented into his practice to prevent this error from re-occurring. The paper must be approved by the Board or its designee. Dr. Modarelli will submit the protocol and paper to:

Investigator Kathryn Levesque

Maine Board of Licensure in Medicine
137 State House Station
Augusta, ME 04333-0137

d. **ProBE Course.** Within six (6) months of the effective date of this Stipulation, Dr. Modarelli shall complete the Professional/Problem Based Ethics Course (ProBE) at the Center for Personalized Education for Physicians (CPEP). To satisfy this provision, Dr. Modarelli must obtain an "unconditional pass" as an assessment following the course. Dr. Modarelli shall permit CPEP to communicate with the Board regarding his participation in this course, and shall provide the Board with a copy of the essay that Dr. Modarelli writes as part of the course.

e. **Notification to Board.** Dr. Modarelli shall notify the Board of any future incidence of wrong-site, wrong procedure, or wrong person surgery performed by Dr. Modarelli, within thirty (30) days of recognizing the error.

f. **Change of Address.** Dr. Modarelli must inform the Board in writing, of changes in his residential and/or business address within thirty (30) days of such change.

g. **Costs.** Dr. Modarelli shall be responsible for all costs associated with his compliance with the terms and conditions of this Consent Agreement

h. **Termination.** Dr. Modarelli may not petition to terminate this Consent Agreement before three years from its effective date. Upon a timely written petition to terminate, the Board will have the sole discretion to grant or deny Dr. Modarelli's petition. Any decision made by the Board regarding this issue does not require an adjudicatory hearing and is not subject to judicial review.

7. Violation by Dr. Modarelli of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

8. Pursuant to 10 M.R.S. § 8003(5) the Board and Dr. Modarelli agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline, including revocation or suspension of his license, in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

9. Dr. Modarelli waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Modarelli agrees that this Consent Agreement is a final order resolving complaint CR14-86. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by agreement of all of the parties hereto.

10. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Modarelli or any other matter relating to this Consent Agreement.

11. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

12. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).

13. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

14. The Board and Dr. Modarelli agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider

the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Dr. Modarelli in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Modarelli's Maine physician license.

15. Dr. Modarelli acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

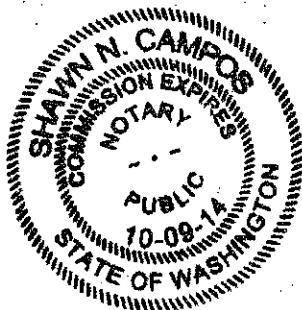
16. For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

I, ROBERT O. MODARELLI, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 5 June 2014 Robert O. Modarelli M.D.
STATE OF WASHINGTON PIERCE, S.S. (County)
ROBERT O. MODARELLI, M.D.

Personally appeared before me the above-named, Robert O. Modarelli, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 6/5/2014
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS: 10/9/2014



STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:


7/8/14


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

7/8/14


DENNIS E. SMITH
Assistant Attorney General

Effective Date:

7/8/14

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Kristen Colley, P.A.-C)	AGREEMENT
Complaint No. CR14-23)	

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the license to practice as a physician assistant in the State of Maine held by Kristen Colley, P.A.-C. The parties to the Consent Agreement are: Kristen Colley, P.A.-C ("Ms. Colley"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. The Board first issued Ms. Colley a license to practice as a physician assistant in the State of Maine on June 18, 2010. At all times relevant to this complaint, Ms. Colley was licensed as a physician assistant by the Board.
2. On February 6, 2014, the Board received a complaint from an individual who alleged that Ms. Colley had inappropriately accessed her medical records at Penobscot Community Health Center ("PCHC"). According to the individual, PCHC confirmed that Ms. Colley had accessed the individual's electronic medical records without the individual's permission and without having a legitimate medical reason for doing so. The Board docketed the complaint as Complaint CR14-23 and sent it to Ms. Colley for a written response.
3. On or about March 24, 2014, the Board received a response from Ms. Colley to complaint CR14-23. In her response, Ms. Colley admitted that she was employed at PCHC and that she had checked to see if she was a patient of PCHC so she could "avoid contact with her if possible." Ms. Colley did not explain how accessing the individual's electronic medical record

was necessary in order to avoid her. As a result of this incident, Ms. Colley reported that she was disciplined by PCHC, which included a two-week suspension and additional training regarding medical record confidentiality and privacy. In addition, Ms. Colley also admitted that she worked on electronic medical records from her home six to ten hours per week, and that the individual with whom she was living accessed his children's electronic medical records at PCHC using her laptop computer when she had left it for a few minutes. Ms. Colley admitted that she should have taken steps to limit the accessibility of the electronic medical records of PCHC on her laptop computer.

4. On May 13, 2014, the Board reviewed complaint CR14-23, including Ms. Colley's response to the complaint and the relevant medical records and voted to offer Ms. Colley this Consent Agreement in order to resolve complaint CR14-23 without further proceedings.

5. This Consent Agreement has been negotiated by Ms. Colley and legal counsel for the Board in order to resolve complaint CR14-23 without further proceedings, including an adjudicatory hearing. Absent Ms. Colley's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before July 11, 2014, the matter will be presented to the Board for further action.

6. By signing this Consent Agreement, Ms. Colley waives any and all objections to, and hereby consents to allow the legal counsel to the Board to present this Consent Agreement to the Board for possible ratification.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Ms. Colley and the Board

agree to the following :

7. Ms. Colley admits that with regard to complaint CR14-23 the Board has sufficient evidence from which it could reasonably conclude that she accessed confidential electronic medical records without having a legitimate medical reason for doing so, and failed to ensure the confidentiality of confidential patient information on her laptop computer. Ms. Colley admits that such conduct constitutes unprofessional conduct and grounds for discipline pursuant to 32 M.R.S. § 3286(2)(F).

8. As discipline for the conduct described in paragraphs 1-7 above pertaining to complaint CR14-23, Ms. Colley agrees to accept, and the Board agrees to issue, the following discipline:

a. A REPRIMAND. As a medical professional Ms. Colley is required to maintain the confidentiality of patient medical information. By failing to maintain the confidentiality of patient information, Ms. Colley breached a duty owed towards the patients. Although Ms. Colley acknowledged her mistakes and the importance of maintaining confidentiality of patient information, the Board urges her to ensure that this type of incident does not occur again.

b. A MONETARY FINE of Five Hundred Dollars and Zero Cents (\$500.00). Ms. Colley shall ensure that she pays the monetary penalty within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. Reimburse the Board Ninety-Two Dollars and Seventy-Two Cents (\$92.72) as the actual costs of the investigation of this matter. Ms. Colley shall ensure that she makes full

payment of reimbursement to the Board within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Maine Board of Licensure in Medicine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

9. Violation by Ms. Colley of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

10. Pursuant to 10 M.R.S. § 8003(5) the Board and Ms. Colley agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline, including revocation or suspension of her license, in the event that she fails to comply with any of the terms or conditions of this Consent Agreement.

11. Ms. Colley waives her right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Ms. Colley agrees that this Consent Agreement is a final, non-appealable action resolving complaint CR14-23. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by agreement of all of the parties hereto.

12. The Board and the Office of the Attorney General may communicate and cooperate regarding Ms. Colley or any other matter relating to this Consent Agreement.

13. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

14. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).

15. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

16. The Board and Ms. Colley agree that no further agency or legal action will be initiated against her by the Board based upon the facts described herein except or unless she fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Ms. Colley in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Ms. Colley's Maine physician assistant license.

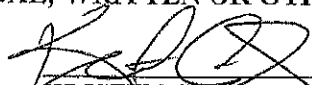
17. For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

18. Ms. Colley acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will and that she agrees to abide by all terms and conditions set forth herein.

I, KRISTEN COLLEY, P.A.-C, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED:

6/16/2014

 PA-C
KRISTEN COLLEY, P.A.-C

STATE OF


Maine

Penobscot, S.S. (County)

Personally appeared before me the above-named Kristen Colley, P.A.-C, and swore to the truth of the foregoing based upon her own personal knowledge, or upon information and belief, and so far as upon information and belief, she believes it to be true.

DATED:

6/16/14


NOTARY PUBLIC/ATTORNEY

AMBER S. DAVIS

Notary Public • State of Maine
My Commission Expires June 4, 2015

MY COMMISSION ENDS: _____

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED:

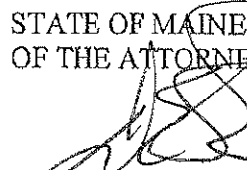
7/8/14


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED:

7/08/14


DENNIS E. SMITH
Assistant Attorney General

Effective Date:

7/8/14

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	
William L. Salomon, M.D.)	CONSENT
Complaint No. CR14-11)	AGREEMENT

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the license to practice as a physician in the State of Maine held by William L. Salomon, M.D. The parties to the Consent Agreement are: William L. Salomon, M.D. ("Dr. Salomon"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. The Board first issued Dr. Salomon a license to practice as a physician in the State of Maine on January 28, 1992. At all times relevant to this complaint, Dr. Salomon was licensed as a physician by the Board.

2. On January 14, 2014, the Board reviewed information received from the Office of Attorney General, including documents related to Dr. Salomon's arrest on October 9, 2010, Dr. Salomon's criminal conviction for Disorderly Conduct¹ on May 9, 2011, and Dr. Salomon's online renewal of his Maine medical license in 2011 and 2013. Following its review of this information, the Board voted to initiate a complaint against Dr. Salomon's physician license pursuant to 32 M.R.S. § 3282-A alleging unprofessional conduct and fraud or deceit in obtaining the renewal of his Maine medical license based upon: (a) Dr. Salomon's conduct on October 9, 2010; (b) Dr. Salomon's failure to disclose his arrest on his 2011 renewal application; and (c) Dr. Salomon's failure to disclose his

¹ Dr. Salomon was originally charged with Disorderly Conduct by accosting, insulting, taunting, or challenging an Androscoggin County Deputy Sheriff by grabbing the deputy's duty belt, and with Refusing to Submit to Arrest by physical force. Dr. Salomon pled no contest to a substituted charge of Disorderly Conduct by making loud and unreasonable noise in a public or private place after having been warned by a law enforcement officer.

conviction on his 2013 renewal application. The Board docketed the complaint as CR14-11 and sent it to Dr. Salomon for a written response.

3. On or about March 17, 2014, the Board received a response from Dr. Salomon to complaint CR14-11. In his response, Dr. Salomon described his considerable background, education, and training in the scientific and medical fields. Dr. Salomon indicated that in 2003 he gave up the practice of clinical medicine (neonatal and pediatric critical care) (i.e. practicing medicine on patients), and that since that time he has worked as a medical informatician designing and implementing electronic medical records.

a. The October 9, 2010 Incident. Dr. Salomon asserted that on October 9, 2010, his actions at the scene of a single-car accident on his road in which his wife was the driver and sole occupant were solely an attempt to get medical care for his wife. Dr. Salomon did not believe that he acted unprofessionally because he did not "act as a doctor in a manner that interfered with or was likely to interfere with the delivery of care" nor "bring disrepute on the profession." Dr. Salomon indicated that he became "upset" when a deputy sheriff was not taking seriously his wife's "likely injuries." Dr. Salomon alleged that the Emergency Medical Services ("EMS") personnel who responded to his wife's car accident failed to perform their duties competently, and allowed the deputy sheriff to administer field sobriety tests to his wife, who was subsequently arrested and charged with Criminal Operating Under the Influence of alcohol and/or drugs.² Dr. Salomon admitted that he was "very upset and scared" when he concluded that his wife "was not being assessed properly." Dr. Salomon stated that he expressed his fears, concerns and incredulity to the deputy sheriff in a non-violent way and with the goal not to impede his wife's treatment. However, Dr. Salomon did not deny that his actions were interfering with the deputy sheriff's attempt to assess his wife for possible alcohol/drug intoxication. Dr. Salomon denied interfering with the EMS personnel. Dr. Salomon denied being intoxicated as indicated by the deputy sheriff's report, but

²Although Dr. Salomon's wife was charged with criminal OUI, she pleaded no contest to the charge of failing to report an accident and was, therefore, convicted for failing to report an accident.

admitted that he and his wife had been drinking wine just prior to the incident during dinner earlier in their home with two friends. Dr. Salomon recalled feeling "provoked" by the deputy sheriff and became "more upset" when he was told that his wife had been assessed by the EMS personnel when he "believed" they had not assessed her. Dr. Salomon stated that he "felt completely helpless to alter the course of events" that resulted in his wife being arrested for Criminal OUI and taken to jail instead of to a hospital. His wife was subsequently diagnosed by two doctors with closed head trauma and post-concussive syndrome. Dr. Salomon indicated that, while he did not think that he acted unprofessionally, he could have "handled the situation better" by being "less emotional."

b. The On-Line License Renewal of February 25, 2011. Dr. Salomon indicated that he did disclose his arrest for Disorderly Conduct on October 9, 2010 on his on-line renewal application on February 25, 2011, and never intended to deceive the Board regarding his arrest. Board staff investigation confirmed that Dr. Salomon sent this information to the Board in 2011; however, through no fault of Dr. Salomon this information was not, in fact, received by the Board.

c. The On-Line License Renewal of February 27, 2013. Dr. Salomon admitted that on his on-line renewal application dated February 27, 2013, he answered "no" to the question that asked if he had been convicted of any crime. Dr. Salomon had no complete explanation for why he denied having a criminal conviction on his on-line license renewal application, but denied any intent to deceive the Board in light of his previous attempt to disclose the incident to the Board.

4. On April 8, 2014, the Board reviewed complaint CR14-11, including Dr. Salomon's response and all information obtained to date, and voted to set Complaint CR14-11 for an adjudicatory hearing. In addition, the Board voted to offer this Consent Agreement to resolve Complaint CR14-11 without further proceedings, including an adjudicatory hearing.

5. Unprofessional conduct is defined by 32 M.R.S. § 3282-A(2)(F) as conduct that "violates a standard of professional behavior, including engaging in disruptive behavior, that has been established in the practice for which the licensee is licensed... 'disruptive behavior' means aberrant behavior that interferes with or is likely to interfere with the delivery of care."

6. This Consent Agreement has been negotiated by and between legal counsel for Dr. Salomon and legal counsel for the Board in order to resolve complaint CR14-11 without further proceedings, including an adjudicatory hearing. Absent Dr. Salomon's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before July 3, 2014, the matter will be scheduled for an adjudicatory hearing.

7. By signing this Consent Agreement, Dr. Salomon waives any and all objections to, and hereby consents to allow the legal counsel to the Board to present this Consent Agreement to the Board for possible ratification.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Dr. Salomon and the Board agree to the following:

8. Dr. Salomon agrees and understands that with regard to complaint CR14-11 the Board has sufficient evidence from which it could reasonably conclude that he engaged in unprofessional conduct as defined by 32 M.R.S. § 3282-A(2)(F) and for which his Maine medical license is subject to discipline by:

a. On October 8, 2010, after having been drinking alcohol with dinner, becoming involved as a physician at the scene of his wife's motor vehicle accident when there were licensed EMS personnel, including a paramedic, on the scene who had not consumed any alcohol, and by his behavior³ towards the EMS personnel and deputy sheriff.

b. On February 27, 2013, failing to disclose his criminal conviction for Disorderly Conduct on his on-line license renewal application.

³ According to investigative interviews of the EMS personnel and deputy sheriff conducted by the Board's investigator, Dr. Salomon failed to respond to EMS personnel requests to move so that they could assess his wife, told EMS personnel that he was the "senior" person on the scene, lost control of his emotions and had to be physically removed by the deputy sheriff with the assistance of an EMS provider.

9. As discipline for the conduct described in paragraphs 1-8 above pertaining to complaint CR14-11, Dr. Salomon agrees to accept, and the Board agrees to issue, the following discipline:

a. The October 9, 2010 conduct. For his behavior on October 9, 2010, Dr. Salomon agrees to:

(1) Accept a REPRIMAND. As a physician, Dr. Salomon should be aware that professional objectivity may be compromised when an immediate family member is the patient. Despite the presence of qualified EMS personnel, he became involved as a physician at the scene, and then admittedly became very upset when he believed that the EMS personnel had not conducted an adequate assessment. Although probably the most experienced and knowledgeable medical provider on scene, that did not justify Dr. Salomon's behavior. As a physician, Dr. Salomon is responsible for conducting himself in a manner that comports with the Board's laws and rules. Dr. Salomon shall not engage in any similar type of conduct in the future.

(2) Pay a MONETARY FINE of Five Hundred Dollars and Zero Cents (\$500.00). Dr. Salomon shall ensure that he pays the monetary penalty within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

b. The February 27, 2013 On-Line License Renewal. For his conduct regarding his 2013 license renewal, Dr. Salomon agrees to:

(1) Accept a REPRIMAND. As a physician and licensee of the Board, Dr. Salomon is required to read, understand, and accurately answer all

questions on his license renewal applications. In this instance, the October 9, 2010 event, his arrest, and eventual criminal conviction should have provided Dr. Salomon with sufficient memory to accurately answer the criminal conviction question on his license renewal application. Dr. Salomon shall not engage in any similar type of conduct in the future.

(2) Pay a MONETARY FINE of Five Hundred Dollars and Zero Cents (\$500.00). Dr. Salomon shall ensure that he pays the monetary penalty within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. Reimburse the Board Five Hundred Fifty-Three Dollars and Eighty-Seven Cents (\$553.87) as the actual costs of the investigation of this matter. Dr. Salomon shall ensure that he makes full payment of reimbursement to the Board within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Maine Board of Licensure in Medicine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

10. Violation by Dr. Salomon of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

11. Pursuant to 10 M.R.S. § 8003(5) the Board and Dr. Salomon agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline, including revocation or suspension of his license, in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

12. Dr. Salomon waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Salomon agrees that this Consent

Agreement is a final order resolving complaint CR14-11. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by agreement of all of the parties hereto.

13. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Salomon or any other matter relating to this Consent Agreement.

14. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

15. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).

16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

17. The Board and Dr. Salomon agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that similar true allegations are brought against Dr. Salomon in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Salomon's Maine physician license.

18. Dr. Salomon acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

19. For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

20. Dr. Salomon has been represented by Ronald W. Schneider, Jr., Esq., who has participated in the negotiation of this Consent Agreement on his behalf.

I, WILLIAM L. SALOMON, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 3 July 2014

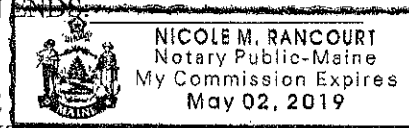
William L. Salomon
WILLIAM L. SALOMON, M.D.

STATE OF MAINE
CUMBERLAND, SS. (County)

Personally appeared before me the above-named William L. Salomon, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 7-3-14

Nicole M. Rancourt
NOTARY PUBLIC/ATTORNEY
MY COMMISSION ENDS



STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 7/8/14

Maroulla S. Gleaton, M.D.
MAROULLA S. GLEATON, M.D., Chairman

DATED: 7/3/14

Ronald W. Schneider, Jr., Esq.
RONALD W. SCHNEIDER, JR., ESQ.
Attorney for Dr. Salomon

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 7/8/14

Dennis E. Smith
DENNIS E. SMITH
Assistant Attorney General

Effective Date: 7/8/14